

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MT. HAWLEY INSURANCE CO.,)	CASE NO.1:08CV1198
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
ADMIRAL INSURANCE CO.,)	ORDER
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Defendant Admiral Insurance Co.’s (“Admiral”) Motion to Transfer Venue. Before it examines the merits of the Motion to Transfer, the Court must first determine whether it should exercise jurisdiction over this declaratory judgment action.

The Sixth Circuit Court of Appeals, in *Travelers Indemnity Co., v. Bowling Green Professional Associates, PLC*, 495 F.3d 266 (6th Cir. 2007), held it was an abuse of discretion for the district court to exercise discretion over a declaratory judgment action brought by an insurer to determine the issue of coverage where there is an underlying case pending.

Therefore, the parties are ordered to submit briefs by August 13, 2008, whether *Travelers* requires this Court to decline to exercise jurisdiction, or whether *Travelers* is distinguishable

from the captioned case. Briefs are limited to no more than ten pages.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

August 1, 2008